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HUMAN RIGHTS COMMITTEE

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SUMMARY RECORD OF THE 2232nd MEETING*

Held at the Palais Wilson, Geneva,
on Thursday, 21 October 2004, at 3 p.m.

Chairperson: Mr. AMOR

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* No summary record was prepared for the 2231st meeting.

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (agenda item 6) (continued)

Initial and second periodic reports of Benin (CCPR/C/BEN/2004/1 and Add.1; CCPR/C/82/L/BEN/Rev.1)

1. At the invitation of the Chairperson, the members of the delegation of Benin took places at the Committee table.

2. Mr. SOSSA (Benin) said that the initial and second periodic reports of Benin had been submitted in accordance with article 40 of the Covenant, and with assistance from a group of experts whom the Committee had sent to his country. The principle of the protection of human rights was enshrined in the Constitution, and Benin had demonstrated its commitment to human rights and democratic processes by acceding to a number of international and regional instruments.

3. A variety of institutions had been established for the promotion and protection of human rights. The Constitutional Court, Supreme Court and High Court of Justice were responsible for ensuring the protection of fundamental rights and freedoms, and bringing to justice any public officials, including the President of the Republic, who abused their authority. The freedom and protection of the press were secured by the Audio-visual and Telecommunication Authority, which ensured that all political parties, associations and citizens had equal access to official information and communications. The national Economic and Social Council advised the National Assembly on the content of draft laws and decrees, and determined whether or not they were in the general public interest. A number of national executive bodies had been established to address issues relating to human rights protection, children's rights, women's affairs and international humanitarian law.

4. Beninese human rights NGOs had increased considerably in number since 1990, and had become systematically associated with the activities of State bodies. NGOs were represented in the National Consultative Council for Human Rights, and held two of the four seats in the bureau of that Council.

5. Since ratifying the Covenant, his Government had adopted several legislative and administrative measures to ensure its implementation, such as amending the Labour Code to include provisions on the prohibition of discrimination against women and disabled persons, and to strengthen the application of the principle of equal pay for work of equal value. A committee had been established for coordination and follow-up to the National Programme of Action for Women and Children. The Criminal Code and the Code of Criminal Procedure were currently being amended. The Government was endeavouring to conduct awareness-raising campaigns on human rights issues through school and university curricula, the media, and military and police training. Measures were also being taken to increase funding for human rights protection activities.

6. Since the submission of the two State party reports, further measures had been taken, including: promulgation of the Family Code, which provided for total sexual equality, particularly with respect to marriage, divorce, parental authority, succession and inheritance; establishment of a committee for the inspection of detention facilities; and human rights awareness-raising measures within administrative authorities, the police and the judiciary. Although violations of human rights and fundamental freedoms still occurred, definite progress had been made, and his Government would continue its efforts on those lines.

7. The CHAIRPERSON invited the delegation to respond to questions 1 to 14 of the list of issues.

8. Ms. AFOUDA née GBEHA (Benin) said that there had been no cases of non-compliance with article 147 of the Constitution, which stated that in order to have primacy over domestic legislation, an international human rights treaty must have been ratified and published. Certain treaties, including those relating to human rights, could only be ratified following the enactment of legislation by the National Assembly. Treaty texts were published in the Journal Official. In accordance with the Constitution, the Constitutional Court and the Supreme Court were responsible for ensuring that international treaties had primacy over domestic legislation. The Covenant had only been invoked in two instances, once in the Supreme Court and once in the Constitutional Court.

9. Turning to question 2, she said that a new law on the organization of the judiciary had been passed in 2002. In accordance with that law the number of appeal courts had been increased from one to three, the number of courts of first instance had been increased to 28, and 95 conciliation tribunals had been instituted. The reform aimed to improve public access to judicial services. Administrative cases that had previously been dealt with only by the Supreme Court could now be taken to courts of first instance. The Government had set out its strategy for the reform and strengthening of the legal system in an integrated programme, which included the establishment of a court of appeal in Parakou, the recruitment of 40 legal trainees, who were currently coming to the end of their training, the creation of additional notary and bailiff posts, the development of new recruitment procedures for trainees, notaries and bailiffs, and a salary review for judges.

10. Judges were appointed by Presidential Decree, on the recommendation of the Minister of Justice, in consultation with the Supreme Council of the Judiciary, which was responsible for disciplinary proceedings against judges. Two weeks before the hearing, a judge undergoing disciplinary proceedings had the right to be apprised of all matters relating to his or her case. There were two degrees of punishment that could be imposed on a judge: the first included measures such as suspension from duty for a maximum of 30 days and deprivation of entitlement to promotion for up to one year. The second degree of punishment included suspension from service for up to six months, a reduction in grade, dismissal and deprivation of entitlement to a pension.

11. The independence of judges was guaranteed by the composition of the Supreme Council of the Judiciary and the principle of the irremovability of judges. The Council comprised the President of the Republic, the President of the Supreme Court, the Minister of Justice, two judges and an independent member of high intellectual and moral standing.

12. In 1998, investigations had begun into the misappropriation of court fees by some 95 registrars, judges and tax collectors. Their trial had begun in January 2004 for, inter alia, forgery, use of forged documents with intent to defraud, misappropriation of public funds, corruption and fraud. The assize court judgement had been handed down in June 2004. Sixty-three persons had been sentenced to terms of imprisonment ranging from six months (suspended) to five years. Twenty-five had been acquitted, including 13 for lack of evidence. The proceedings had resumed three days previously.

13. In reply to question 3, she said that the purpose of the conciliation tribunals was to achieve an amicable settlement between the parties to proceedings. They did not hand down judgements but established records that were referred for approval to the president of the court of first instance. Once approved, the records were enforceable. Hence all due process guarantees were respected.

14. Turning to question 4, she said that the Beninese Commission on Human Rights had been established by an Act of 12 May 1989 to report to the authorities on the deliberations of United Nations, African Union and other international governmental or non-governmental bodies dealing with human rights issues and to assist them in their reporting obligations under international human rights treaties that Benin had ratified. Of its 45 members, 3 held office ex officio (an elected representative of the country's judges, a representative of the bar and a representative of the Medical Association); one third of the remainder represented Beninese NGOs and two thirds were natural persons who had subscribed in writing to the Commission's objectives. In 1986 Benin had ratified the African Charter of Human and Peoples' Rights, which imposed reporting obligations, and in 1992 it had ratified most international human rights instruments. No reports had been prepared by the Commission, however, until 1996.

15. Some 50 human rights NGOs and associations were also recognized in Benin. The thorny question of providing them with an opportunity to report on their activities and the human rights situation in the country had arisen concomitantly with the question of fulfilling Benin's reporting obligations vis-à-vis the African Union and the United Nations. To that end, the Government had established a human rights department within the Ministry of Justice, Legislation and Human Rights to coordinate NGO activities through a National Human Rights Advisory Board, incorporating the Beninese Commission on Human Rights. The Board had held eight sessions attended by some 40 NGOs with a view to making recommendations to the Government. The ninth session would be held in November 2004. Another body attached to the human rights department, the National Committee to Monitor the Implementation of International Instruments, had assumed responsibility for meeting Benin's obligations to international institutions in 1998. As the Commission had failed to live up to its commitments in that regard, it had been given the same official status as the human rights NGOs. Responding to a question raised in the National Assembly in August 2004, the Government had announced the repeal of the Act establishing the Commission.

16. In reply to question 5, she said that the inter-ministerial commission established by decree in 1991 had heard testimony from 1,017 victims. The Government had awarded the victims compensation amounting to 1,000 CFA francs for each day of imprisonment. Civil servants had been reinstated and their salaries paid. The families or other successors in law of

five victims who had died had received a lump sum of 5 million CFA francs. Victims were still coming forward and their complaints were given favourable consideration provided that they could furnish evidence of their claims.

17. The 1990 Act granting amnesty for acts committed between 1972 and 1990 had never been applicable to torture and corporal punishment. Article 1 of the Act specified that the amnesty did not cover offences under ordinary law. The offences of torture and corporal punishment were punishable under articles 18 and 19 of the Constitution and articles 303, 309, 310 and 311 of the Criminal Code. Moreover, article 3 of the Act excluded acts of torture, corporal punishment and murder committed in the context of political repression. In practice, most persons suspected of having committed such acts had been prosecuted and some remanded in custody. Most of them had worked for the intelligence service of the ousted regime.

18. Ms. VIEYRA née d'ALMEIDA (Benin) said, in reply to question 6, that the Constitution recognized the equality of women and men, and many legislative enactments and regulations sought to promote the advancement of women. However, there was as yet no specific instrument aimed at increasing women's representation in State and other institutions. Nevertheless, the Government was eager to promote female candidacies, and the Ministry for the Family, Social Protection and Solidarity had organized a workshop with the Network of Former Women Ministers and Parliamentarians to study the matter. Other measures included promotion of schooling for girls, and gender and development training courses for men and women to raise awareness of the human capital that women represented.

19. Turning to question 7, she said that violence against females included rape, paedophilia, indecent behaviour, sexual abuse of schoolgirls, female genital mutilation, child sexual exploitation, sexual harassment, domestic and conjugal violence, and child trafficking. Such offences were punishable under articles 309 to 311 of the Criminal Code. Laws on female genital mutilation and reproductive health had been enacted. Human rights NGOs assisted in raising awareness of the laws protecting women and children. In particular, the Beninese Association of Women Jurists, in collaboration with other NGOs, had established and was extending a network of legal aid centres to assist women in enforcing their rights.

20. Turning to question 8, she said that articles 12, 74, 143 and other articles of the draft Personal and Family Code adopted by the National Assembly on 7 June 2002 had been declared unconstitutional by the Constitutional Court. Article 12 had required married women and widows prior to remarriage to bear their husband's family name and had required divorced women to seek their former husband's consent to continue bearing his name. Articles 74 and 143 had provided for the option of polygamy. The Constitutional Court had declared article 12 to be contrary to article 26 of the Constitution since a woman should have the option of retaining her maiden name in addition to assuming that of her husband. Article 74 had been declared unconstitutional because the polygamy option implied unequal treatment of women and men, again contrary to article 26 of the Constitution. Article 143 and 29 other provisions of the draft Code had been declared unconstitutional for the same reason.

21. The new Code, as adopted, improved the situation of Beninese women in respect of marriage, divorce, inheritance and parental authority, granting them the same rights as men. Parental authority was now exercised equally by both parents unless a judge ruled otherwise. Under article 630 of the Code, the surviving spouse enjoyed the right of inheritance in the

absence of a decree of judicial separation. Former customary law norms had been revoked by virtue of articles 1018, 1021, 1022 and 1030. However, the validity of customary marriages entered into prior to the Code's entry into force was recognized.

22. In reply to question 9, she said it was untrue that half the female population of Benin had undergone female genital mutilation (FGM). It was estimated that 17 per cent of the female population was affected in the departments of Atacora, Donga, Borgou, Alibori, Collines and Plateau. Under the Act of 3 March 2003, anyone found guilty of practising FGM was punishable by a prison term of between six months and three years and a fine of 3 million CFA francs. Where the victim died, the penalties ranged from 5 to 20 years of penal servitude and a fine of between 3 and 6 million CFA francs. Persons providing any type of assistance to the person who had performed the excision were liable to the same penalties. Directors of all public and private health-care establishments were required to admit and treat victims of FGM. Three practitioners of FGM in the north of the country had been prosecuted and given suspended prison sentences of between 6 and 12 months.

23. In November 2002 and April 2003, the Ministry for the Family, Social Protection and Solidarity had organized FGM awareness campaigns to inform communities of the consequences of the practice and of the new legislation. A third version of the campaign had begun in February 2004 and was still under way in different parts of the country. Outreach officers were trained in each area on the basis of a textbook published by the Ministry. Other initiatives currently being prepared included workshops involving community radio stations and NGOs, and awareness-raising campaigns on infanticide and forced marriage.

24. Preliminary draft legislation on the crime of rape was currently before Parliament. Action was being taken jointly by NGOs, development partners and the Government against all kinds of violence against women.

25. Turning to question 10, she said that the Council of Ministers had decided on 30 August 2000 to establish a special budget appropriation for action to combat HIV/AIDS and a focal point within each ministry or other State institution. It had also decided to set up a national solidarity fund consisting of resources released as a result of debt relief. A multisectoral project had been introduced to support action against HIV/AIDS by both public and private bodies. A National Committee against AIDS, chaired by the Head of State, had branches at the departmental, communal and village levels. Activities focused on prevention and on psychosocial assistance for persons living with or affected by HIV/AIDS.

26. The document on family health policy, norms and standards adopted in 1998 sought to prevent early and unwanted pregnancies through a family planning programme involving awareness-raising, clinical services and contraception. A Reproductive Health Act had been promulgated in 2003 but the implementing legislation had not yet been adopted. Any abortion carried out in violation of the Act was punishable by law.

27. Mr. AZOUHOUME (Benin) said, in reply to question 11, that there had been no call for Benin to declare a state of emergency, which was an administrative measure, or martial law, which was a military measure. Benin had not yet adopted counter-terrorism legislation. The draft Criminal Code and the draft Code of Criminal Procedure, which the National Assembly was about to consider, both contained provisions relating to terrorism.

28. Turning to question 12, he said that it was necessary to rectify the omission of the prohibition of torture and cruel, inhuman or degrading treatment or punishment. However, article 19 of the Constitution made such offences punishable where they were committed by public officials in the performance of their duties either on their own initiative or on instructions from a senior official.

29. Mr. SOSSA (Benin) stressed that both the Constitution and the Criminal Code contained clear prohibitions of torture and a number of persons had been prosecuted for such acts.

30. Mr. HADONOU (Benin), responding to question 13, said that the crimes carrying the death sentence were murder, when it preceded, accompanied or followed another crime, or when it was committed to enable the perpetrators or accomplices to flee or seek impunity; murder committed for the purpose of cannibalism; premeditated murder; parricide; poisoning; and armed robbery. While the revised Criminal Code had still to be adopted, the National Human Rights Advisory Board had debated the issue of abolishing the death penalty at its session in February 2004, and the debate would continue in the National Assembly.

31. In answer to question 14, he quoted the relevant provisions of the 1990 Constitution and the African Charter on Human and Peoples' Rights that prohibited torture and other cruel, inhuman or degrading treatment or punishment. Several State officials, most of them police officers, had been prosecuted in the Constitutional Court in accordance with those provisions. He drew the Committee's attention to the table on pages 23 and 24 of his delegation's written replies, containing details of such convictions.

32. The four journalists who had reportedly been ill-treated by police officers during questioning had been arrested on 1 April 2003. Medical certificates proved that they had been treated in an inhuman, humiliating and degrading manner. The Constitutional Court had determined that the journalists had the right to seek compensation.

33. Mr. SOSSA (Benin) added that a special disciplinary tribunal also handled cases of reported ill-treatment by police officers, ensuring that any such action was sanctioned accordingly.

34. The CHAIRPERSON invited the Committee to put questions to the delegation of Benin.

35. Mr. KHALIL commended the State party for its ratification of the Optional Protocol to the Covenant in 1992, and for the role that eminent jurists from Benin had played during difficult times to improve enjoyment of human rights and uphold the rule of law. While the Committee appreciated the problems involved in report writing, the late submission of the report was regrettable. The report provided useful information on the Constitution, but it did not indicate to what extent the Constitution and other domestic legislation were implemented, and with what effect. It would be interesting to find out about the current situation in Benin regarding implementation of the Covenant.

36. Referring to question 1, he noted with interest that the Covenant had been directly invoked on only two occasions. He failed to understand why that was the case, given that the Constitutional Court was apparently competent to receive complaints directly from any individual whose rights had been violated.

37. While the reporting State was to be commended for its forthcoming reform of the judiciary, it was difficult to see how fair trials could be held when there were not enough judges to oversee all the necessary court proceedings. Reports had indicated that the Government had certain powers over the judiciary, particularly regarding the transfer of judges from one court to another. The delegation should clarify that issue, as it raised important questions about the impartiality and independence of the judiciary. The trial of 97 registrars and tax-collectors should contribute to the eradication of corruption, but it was unclear how the mechanisms currently instituted by the Government could meet that challenge, given their apparent lack of power and authority.

38. The reporting State had adopted a significant number of laws during the period covered by the initial report. Several essential reforms were, however, long overdue. It was unclear how the Government could claim that civil liberties and respect for human rights were guaranteed, given the lack of fundamental instruments such as the Criminal Code and Code of Criminal Procedure, whose adoption was pending.

39. The delegation should clarify whether any individual could directly seek a remedy in the Constitutional Court if he had been subjected to torture. If he could, it highlighted the need to include in the revised Criminal Code a definition of torture consistent with the relevant international instruments.

40. Mr. BHAGWATI said that had the report included all the information supplied in the delegation's replies to the list of issues, the Committee's task would have been eased.

41. He commended the State party for the fact that women, by law, enjoyed all fundamental rights and were on an equal footing with men. Additional information on the actual position of women in society would be useful. He asked what steps had been taken to eradicate totally the practice of female genital mutilation (FGM), what measures were in place to increase awareness of the risks involved, and how effective those measures had proved. It would be useful to have a full account of the exceptions included in the revised law prohibiting FGM and to know the rationale behind them.

42. The Committee would appreciate additional information on whether any legislation was envisaged that would permit abortion in circumstances other than when the woman's life was at risk or the pregnancy was a result of rape or incest.

43. Further details should be provided on the steps being taken to prevent forced marriages. It would be interesting to have more information on the federative structure referred to in paragraph 75 of the initial report, and particularly the activities undertaken within it and any notable achievements. He would welcome updated information on the participation of women in public and political life, and on the measures being taken to increase the participation of women in the judiciary, Parliament and other public bodies. It would be useful to learn about the functions and membership of the Economic and Social Council, and how it had been constituted.

44. Details on the percentage of women at all levels of education, and the percentage of literacy among women, should also be provided. It was unclear whether primary education was compulsory. He would like to know what steps were being taken to increase literacy rates

among women and to raise women's awareness of the purpose of education. Were training courses available to women to enable them to pursue a profession, regardless of their level of education?

45. More information on the activities of the four political parties headed by women would be welcome, particularly regarding measures to improve conditions for women and to mobilize other women. The issue of equality between men and women in marriage and divorce needed clarification. It was unclear whether sons and daughters had equal inheritance rights and, if so, whether they were respected in practice. Had customary law been totally abolished or was it still practised?

46. On the question of the judiciary, it would be useful to know how judges were appointed, and to learn about the respective functions of the Constitutional Court and the Supreme Court. Further information should be provided on the functions of all bodies that dealt with human rights, and whether those functions overlapped. In particular, it would be interesting to learn whether the recommendations of the Beninese Commission on Human Rights were binding on the Government, who could bring cases before the Commission, what kind of cases it addressed and what procedure it followed.

47. Sir Nigel RODLEY, referring to the draft Criminal Code and Code of Criminal Procedure, said that none of the replies given had provided any information on their actual content. He would welcome clarification on whether draft legislation was in the public domain once it was before a parliamentary body. If the drafts were in the public domain, he would welcome information on their treatment of the issues raised by the Committee.

48. He noted with satisfaction that article 68 of the Constitution specifically prohibited the suspension of constitutional rights as a measure taken under a state of emergency. That was a positive development, reflecting the approach of the African Charter on Human and Peoples' Rights.

49. Referring to question 12, he would again welcome more information on what was contained in the Code of Criminal Procedure. He would be interested to learn what the current legislation in relation to torture was, as it appeared that there was no criminal law defining that crime.

50. Regarding question 14, he would welcome more information on article 19 (1) of the Constitution. With regard to the list of decisions of the Constitutional Court which had identified perpetrators of ill-treatment, it seemed that that Court would itself convict them. Was that the case?

51. According to a Constitutional Court decision, four journalists who had been subjected to inhuman treatment would have to take their case to another court in order to obtain damages for the violation of their fundamental rights. If that case involved criminal offences, it was not clear why the individuals needed to seek another remedy; and if it was a question of violations of constitutional rights it was not clear why the State itself did not provide the remedy. It was baffling that findings of violations of constitutional rights by the Constitutional Court did not necessarily lead to any sanctions. He would be interested to learn which of the 23 decisions

listed had led to sanctions and, if so, what type. It was unclear what effect findings of violations by the Constitutional Court had either in repairing the damage to the individual or in ensuring that there was no repetition by the authorities in question.

52. With regard to question 13 on the death penalty, it was pleasing to note that there had been no executions for 18 years, but it would be encouraging if that de facto abolition could be enshrined in the law. Did the revised Criminal Code provide for the abolition of the death penalty? It was a matter for concern that the death penalty applied to the crime of armed robbery without loss of life, and that in recent years death sentences had been pronounced, although not carried out. That raised the issue of compatibility with article 6 (2) of the Covenant. He asked whether there had been any developments in that area.

53. It was clear that the existing law in relation to police custody, even if respected, did not effectively prevent torture or cruel, inhuman or degrading treatment.

54. Ms. CHANET said that the progress being made in the area of human rights was commendably reflected not only in legislation but in actual policies, such as those aimed at combating summary execution and promoting "popular justice". She was impressed by article 122 of the Constitution, which granted each citizen the right of individual recourse.

55. The recent judges' strike could be considered positive in that the judges had not been prevented from going on strike, but negative in that strike action seemed their only means of defending their independence. She wondered if the Government had taken the strike as a warning to try to remedy the problems involved in the functioning of the judiciary; clearly, the question at issue was no longer simply its independence.

56. She had not been satisfied with the response to question 3 on the conciliation tribunals. According to the Committee's sources, those tribunals constituted a parallel legal system, and as a result there were discrepancies between their decisions and those of the ordinary courts. That was a source of confusion and reflected the dysfunction of the legal system. People brought cases to the customary tribunals because they lacked confidence in the ordinary justice system. That was a matter for concern on which she would welcome more information.

57. She would also be interested to learn the exact scope of the decision of the Constitutional Court which had declared unconstitutional various articles of the Family Code. A number of articles had been mentioned in the written replies, but reference had also been made to "others". She would like to know which articles were being referred to and whether they included articles on unequal inheritance rights. Had all those articles been removed from the Code? The provisions of the law on inheritance were extremely restrictive and discriminatory in the context of articles 3 and 26 of the Covenant, in that if a person had been married under the old system, unless he or she divorced, the provisions of the new system could not be applied.

58. With regard to female genital mutilation, she was concerned that the Committee's figures and those given by the delegation did not correspond. According to the Committee's sources, 50 per cent of the female population was affected. She would welcome reliable figures on the total number of women affected in the country as a whole.

59. She agreed with Sir Nigel Rodley that the Committee needed to know the content of the reforms to the Criminal Code and Code of Criminal Procedure. For example, what specific measures were envisaged to combat terrorism?

60. Regarding the de facto abolition of the death penalty, article 6 of the Covenant had been interpreted incompletely in that, although the death penalty was not formally prohibited by the Covenant, it was reserved for the most serious crimes. Consequently, the fact that the death penalty applied to armed robbery did not conform to article 6 of the Covenant.

61. Mr. WIERUSZEWSKI said that the Committee's General Comments should be taken into consideration when preparing reports. For example, with regard to equality between men and women, General Comment No. 28 mentioned that State parties should furnish information on those aspects of tradition, history, cultural practices and religious attitudes which jeopardized compliance with article 3. However, in the replies given, the factors mentioned were universal and not specific to the culture and traditions of Benin. He would welcome information on specific factors and what was being done to overcome them.

62. Regarding female genital mutilation (FGM), according to the figures given in the written replies, 17 per cent of the female population was affected. He wondered what methodology had been used to calculate that figure, as there was a serious discrepancy with the Committee's figures. To what extent were official statistics reliable? To eradicate traditions by legal means was extremely difficult and therefore raising awareness among law enforcement officers was only part of the solution to the problem. He wondered if any efforts were being made to eliminate the root causes of FGM. He would be interested to learn what medical services were available to victims of FGM, which constituted a crime under article 7 of the Covenant.

63. He asked how the Government was addressing the problem of trafficking in women. Was there a system of protection of victims and witnesses? As to domestic violence, he wondered if there was any system of protection of victims, such as shelters for abused women.

64. Mr. YALDEN said that he would welcome clarification of the situation of the human rights institutions in Benin. As a result of inadequacies in the Beninese Commission on Human Rights, the Department of Human Rights had been established within the Ministry of Justice. The Department coordinated NGO activities through the National Human Rights Advisory Board, of which the Commission was a member. In his view, as the new department was within the Ministry it could not be independent, and the NGOs whose activities it coordinated had no power. He would be interested to learn whether there were any plans to create a national human rights institution which would have both the independence and the mandate necessary to deal efficiently with the problems in that area.

65. He agreed with the comments on the discrepancy in figures for FGM, which made it difficult for the Committee to reach any conclusions on the issue.

66. Mr. LALLAH, referring to article 6 on the right to life, asked in how many cases of extrajudicial execution inquiries had been conducted, and if they had not been conducted, why not. He would also be interested to hear how many deaths there had been in prisons in the last five years, and whether they had all been of natural causes. It was clear that overcrowding in

prisons was a serious problem: for example, Cotonou prison had a capacity of 400, yet more than 1,500 prisoners were actually held there. Similarly, another prison had a capacity of 300 yet housed 900. He asked the delegation to comment. Regarding torture and inhuman treatment, according to reports, the "Petit Palais" was a place where people were detained officially and tortured. He would welcome more information on that point.

67. He would be interested to hear what the Government was doing about the large number of infanticides committed on traditional grounds. It was not simply a question of enforcing the law; it was also necessary to educate the public and ensure strict police enforcement.

68. The independence of the judiciary hinged on their security of tenure and the support of the State. He would be interested to learn what had happened in the 1996 case of a Supreme Court judge involved in a matter of high political importance whose house had been fired at. An inquiry had been initiated at the time; he wondered whether it had been completed and, if so, what its outcome had been.

The meeting rose at 6 p.m.